

Seth W. Wiener, California State Bar No. 203747
LAW OFFICES OF SETH W. WIENER
609 Karina Court
San Ramon, CA 94582
Telephone: (925) 487-5607

Attorneys for Plaintiff
INSTITUTE OF MEDICAL EDUCATION, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
[SAN JOSE DIVISION]

THE INSTITUTE OF MEDICAL EDUCATION,
INC.,

Plaintiff,

vs.

WESTERN ASSOCIATION OF SCHOOLS
AND COLLEGES, and DOES 1 THROUGH 10,
INCLUSIVE,

Defendants.

Case No. 5:11-cv-05755-LHK

**PLAINTIFF INSTITUTE OF MEDICAL
EDUCATION, INC.'S MEDIATION STATUS
REPORT**

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Plaintiff Institute of Medical Education, Inc. ("IME"), and its counsel, Seth W. Wiener, hereby inform the Court that the parties will not be able to proceed with the mediation on the originally scheduled April 9, 2013 date due to the fact that Mr. Wiener commenced a three-week long trial today (April 8, 2013) in the case captioned *Engstrom v. TNC Holding*, San Francisco Superior Court, Case No. CGC-11-517017. In order to avoid delaying the mediation, Mr. Wiener had offered to have substitute counsel attend the mediation on behalf of IME, or to commence the mediation at 6:30 p.m. on April 9, 2013, in order that he could personally attend, but neither of these proposals was acceptable to Defendant Western Association of Schools and Colleges or its counsel.

Subject to the availability of the mediator, the parties have tentatively scheduled an April 22, 2013 mediation date in this action, which is within the April 30, 2013 deadline to complete private mediation that was set by the Court in its February 13, 2013 Case Management Order. (Docket No. 64).

1 IME and its counsel are eager to proceed with the mediation, and regret the delay that was caused by
2 the unreasonable refusal of WASC's counsel to accommodate Mr. Wiener's trial schedule.

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4 Dated: April 8, 2013

LAW OFFICES OF SETH W. WIENER

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Seth W. Wiener
Attorney for Plaintiff
INSTITUTE OF MEDICAL EDUCATION, INC.
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Case No. 5:11-cv-05755-LHK

PROOF OF SERVICE

Plaintiff,

vs.

WESTERN ASSOCIATION OF SCHOOLS
AND COLLEGES, and DOES 1 THROUGH 10,
INCLUSIVE,

Defendants.

I, Seth W. Wiener, declare:

I am employed in Contra Costa County, California. I am over eighteen years of age and not a party to this action. My business address is 609 Karina Court, San Ramon, CA 94582... On April 8, 2013, I served a true and correct copy of the following document(s):

Plaintiff Institute of Medical Education, Inc.'s Mediation Status Report

on the following parties:

Alicia Ryan Kennon
Seymour Bernard Everett
Wood Smith Henning & Berman LLP
1401 Willow Pass Road, Suite 700
Concord, CA 94520

Veronika Short
Law Office of Veronika Short
46 West Santa Clara Street
San Jose, CA 95113

Bruce C. Funk

1 Law Office of Bruce C. Funk
2 46 West Santa Clara Street
3 San Jose, CA 95113

4 **X ELECTRONICALLY:** I caused a true and correct copy thereof to be electronically filed using the
5 Court's Electronic Court Filing ("ECF") System and served was completed by electronic means by
6 transmittal of a Notice of Electronic Filing on the registered participants of the ECF System.

7 I declare under penalty of perjury under the laws of the State of California and the United
8 States of America that the foregoing is true and correct and that this Proof of Service was executed on
9 April 8, 2013 at San Ramon, California.

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Seth W. Wiener